

**RESOLUTION NO. RS2019-1720** (ROSENBERG) – This resolution would propose one amendment to the Metropolitan Charter. The amendment proposed is identical to Amendment A as proposed in Resolution No. RS2019-1617, with the exception of minor re-numbering and housekeeping changes.

The Council, pursuant Metro Charter Sec. 19.01, may only adopt two resolutions during the term of the Council that submit amendments to the voters for ratification. Each proposed amendment to the Charter must be adopted by 27 affirmative votes of the Council, and the resolution itself submitting the amendment must be adopted by 27 affirmative votes in order to become effective. The Council has previously exercised their ability to place Charter amendments on the ballot once this term, through Resolution No. RS2018-1314. And if currently pending RS2019-1617 is approved, it would constitute the second resolution allowed per term and this resolution would therefore require withdrawal.

Metro Charter Sec. 19.01 requires that a resolution to amend the Charter must prescribe a date not less than eighty (80) days subsequent to the date of its filing for the holding of a referendum election to vote to ratify or reject the proposed amendments. Under state law, the resolution as adopted by Council must be filed with the Election Commission 75 days before the election. (Tenn. Code Ann. § 2-3-204(b)) (“Resolutions...requiring the holding of elections on questions submitted to the people which are to be held with the regular November election...shall be filed with the county election commission not less than seventy-five (75) days prior to such election.”) (See also Tenn. Op. Att’y Gen. No. 08-171, Nov. 5, 2008, construing T.C.A. § 2-3-204). The resolution provides that the date for holding the referendum election on the proposed Charter amendment is to be August 1, 2019. The May 7, 2019 Council meeting is the last regular meeting date at which a Charter amendment resolution may be approved in order to comply with the above-referenced deadlines.

This amendment, which is identical to amendment A proposed under RS2019-1617, would allow for ranked choice voting in elections for mayor, vice-mayor, councilmember-at-large, and district councilmember. A new Section 15.11 would be added to the Metro Charter to govern ranked choice voting, which would allow voters to rank candidates in order of preference. A candidate who receives a majority of first-preference votes for a given office would win the election. If no candidate receives a majority, the lowest-scoring candidate would be eliminated and the votes would be redistributed to remaining, non-eliminated candidates based on the eliminated candidate’s voters’ order of preference. This would continue until one candidate received a majority of the votes. For councilmembers-at-large, votes would be redistributed until all vacancies are filled. A new Section 15.12 would be added to govern runoff elections. If ranked choice voting became repugnant to state law, as determined by a regulatory agency or court, this amendment would provide for a reversion to the current system of electing mayor, vice-mayor, councilmember-at-large and district councilmember, further relying on the current system to determine run-off candidates. Amendment A was disapproved by the Charter Revision Commission (3-2) and approved by the Council at the April 16, 2019 regular meeting.

Because the Charter amendment proposed in this resolution is essentially identical to the Charter Amendment A in Resolution No. RS2019-1617, re-consideration by the Charter Revision Commission is not required.